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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,820	12/28/2001	Chia-Chi Chang	BHT-3212-3	5555

7590 12/20/2004

TROXELL LAW OFFICE PLLC
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5205 LEESBURG PIKE
FALLS CHURCH, VA 22041

EXAMINER

CANGIALOSI, SALVATORE A

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/028,820	CHANG, CHIA-CHI	
	Examiner	Art Unit	
	Salvatore Cangialosi	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/06/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3621

1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-8 are rejected under 35 U.S.C. § 103 as being unpatentable over Dziewit et al (4981370) or Graziano et al (5191613) in view of Tozzoli et al (6151588).

Regarding claim 1, Dziewit et al (See abstract, Figs. 1-5, Col. 1, lines 30-60, Cols. 5 and 6, Col. 13, lines 5-25 claims 1, 11, 21 and 31) or Graziano et al (See abstract, Figs. 1-6, Col. 1, lines 30-45, Cols. 7 and 8, Col. 14, lines 30-50 claims 1, 10) disclose a means for managing a transaction between a buyer's processor, a seller's processor and a third party trustee wherein the transaction details are stored in encrypted form substantially as claimed. The differences between the above and the claimed invention is the use of explicit buyer and seller transaction. It is noted that it is believed that the

Art Unit: 3621

contract disabled changes (Claims 21 and 31) disclosed in the prior art is functionally equivalent to the claimed limitations.

Otherwise resort can be had to Tozzoli et al (See abstract, and Figs 1 and 2B) for a showing of buyer and seller transaction which is the functional equivalent of a master serial number.

It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Dziewit et al or Graziano et al because the substitution of functional equivalents of the primary items of evidence. Regarding identifying data limitations of claim 2, Dziewit et al (See abstract, Figs. 1-5, Col. 1, lines 30-60, Cols. 5 and 6, Col. 13, lines 5-25 claims 1, 11, 21 and 31) or Graziano et al (See abstract, Figs. 1-6, Col. 1, lines 30-45, Cols. 7 and 8, Col. 14, lines 30-50 claims 1, 10) disclose a means for managing a transaction between a buyer's processor, a seller's processor and a third party trustee wherein the transaction details are stored in encrypted form including transaction detail which is a functional equivalent of the claim limitations. Regarding money limitations of claim 3, Dziewit et al (See abstract, Figs. 1-5, Col. 1, lines 30-60, Cols. 5 and 6, Col. 13, lines 5-25 claims 1, 11, 21 and 31) or Graziano et al (See abstract, Figs. 1-6, Col. 1, lines 30-45, Cols. 7 and 8, Col. 14, lines 30-50 claims 1, 10) disclose a means for managing a financial transaction between a buyer's processor, a seller's processor and a third party trustee wherein the transaction details including price are stored in encrypted form which is a

Art Unit: 3621

functional equivalent of the claim limitations. Regarding index limitations of claim 4, Dziewit et al (See abstract, Figs. 1-5, Col. 1, lines 30-60, Cols. 5 and 6, Col. 13, lines 5-25 claims 1, 11, 21 and 31) or Graziano et al (See abstract, Figs. 1-6, Col. 1, lines 30-45, Cols. 7 and 8, Col. 14, lines 30-50 claims 1, 10) disclose a means for managing a transaction between a buyer's processor, a seller's processor and a third party trustee wherein the transaction details are stored in encrypted form requiring password access which are the functional equivalents of the claim limitations. Regarding claim 5, Dziewit et al (See abstract, Figs. 1-5, Col. 1, lines 30-60, Cols. 5 and 6, Col. 13, lines 5-25 claims 1, 11, 21 and 31) or Graziano et al (See abstract, Figs. 1-6, Col. 1, lines 30-45, Cols. 7 and 8, Col. 14, lines 30-50 claims 1, 10) disclose a method for managing a transaction between a buyer's processor, a seller's processor and a third party trustee wherein the transaction details are stored in encrypted form substantially as claimed. The differences between the above and the claimed invention is the use of explicit buyer and seller transaction. It is noted that it is believed that the contract disabled changes (Claims 21 and 31) disclosed in the prior art is functionally equivalent to the claimed limitations.

Otherwise resort can be had to Tozzoli et al (See abstract, and Figs 1 and 2B) for a showing of buyer and seller transaction which is the functional equivalent of a master serial number. It would have been obvious to the person having ordinary skill in

Art Unit: 3621

this art to provide a similar arrangement for Dziewit et al or Graziano et al because the substitution of functional equivalents of the primary items of evidence. Regarding identifying data limitations of claim 6, Dziewit et al (See abstract, Figs. 1-5, Col. 1, lines 30-60, Cols. 5 and 6, Col. 13, lines 5-25 claims 1, 11, 21 and 31) or Graziano et al (See abstract, Figs. 1-6, Col. 1, lines 30-45, Cols. 7 and 8, Col. 14, lines 30-50 claims 1, 10) disclose a means for managing a transaction between a buyer's processor, a seller's processor and a third party trustee wherein the transaction details are stored in encrypted form including transaction detail which is a functional equivalent of the claim limitations. Regarding money limitations of claim 7, Dziewit et al (See abstract, Figs. 1-5, Col. 1, lines 30-60, Cols. 5 and 6, Col. 13, lines 5-25 claims 1, 11, 21 and 31) or Graziano et al (See abstract, Figs. 1-6, Col. 1, lines 30-45, Cols. 7 and 8, Col. 14, lines 30-50 claims 1, 10) disclose a means for managing a financial transaction between a buyer's processor, a seller's processor and a third party trustee wherein the transaction details including price are stored in encrypted form which is a functional equivalent of the claim limitations. Regarding index limitations of claim 8, Dziewit et al (See abstract, Figs. 1-5, Col. 1, lines 30-60, Cols. 5 and 6, Col. 13, lines 5-25 claims 1, 11, 21 and 31) or Graziano et al (See abstract, Figs. 1-6, Col. 1, lines 30-45, Cols. 7 and 8, Col. 14, lines 30-50 claims 1, 10) disclose a means for managing a transaction between a buyer's

Serial Number: 10/028,820

6

Art Unit: 3621

processor, a seller's processor and a third party trustee wherein the transaction details are stored in encrypted form requiring password access which are the functional equivalents of the claim limitations

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number (703) 305-1837. The examiner can normally be reached 6:30 Am to 5:00 PM, Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks
Washington, D.C. 20231

or faxed to (703)872-9306

Hand delivered responses should be brought to Crystal Park V, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor(Receptionist).


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is (703) **308-4177**.

Serial Number: 10/028,820

7

Art Unit: 3621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222